

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claim 2 has been canceled. Claim 1 has been amended to recite that the rear portions of the boom support frames each comprise a fixed frame and a detachable frame connected detachably to the fixed frame, that winch openings are formed when both the fixed and detachable frames are connected together. Basis for this can be found in the canceled Claim 2. Additionally, claim 1 has been amended to recite that the winch openings are formed at the recess cut-outs. This is evident from the drawings.

The invention is directed to a traveling working machine having an upper rotating body mounted on a lower traveling body, the upper rotating body including a boom and a plurality of winches. Conventionally, the upper rotating body has included winch openings in a frame which supports the boom, which openings have a sufficient diameter to permit passage of the small diameter portion of the winch. This has necessitated large diameter openings, which has reduced the strength of the frames.

According to a feature of the invention now set forth in all of the claims, the openings for the winches are formed when detachable frames are connected together with fixed frames having recessed cutouts. With the counterweight mounted, the rear frames permit a construction which can support the rotating frame while reducing the weight thereof, thereby providing superior functionality (page 9, lines 5-11).

For example, referring to the non-limiting embodiment of the figures, an upper traveling body 2 mounts a frame supporting a boom 1 and includes rear frames 2g. The rear frames 2g are provided with recessed cut-outs A which can cooperate with the detachable frame 10 to form openings S (Figure 3) when the fixed and detachable frames are connected together. It is therefore possible to insert a large diameter winch in an opening sized for a smaller diameter portion 6a of the winch (Figure 2B). Since the openings are thereby

reduced in diameter, the strength of the frames can be increased. It is accordingly possible to mount the counterweight to the detachable frame, for example using the counterweight mounting portions 11a.

Claim 1 now recites the subject matter of the canceled Claim 2. Claim 2 was rejected under 35 U.S.C. § 102 as being anticipated by either U.S. patent 5,353,940 (Pech et al.) or Japanese patent publication JP 2000-289984. However, Applicant respectfully submits that the amended claims define over either of the above references.

Pech et al. is directed to a crane comprising an upper part 14 which is releasably detached from a truck portion 18. The upper part 14 includes a boom 22 and unnumbered winches, and further includes a rotating bed 21 and a counterweight 32.

A detachable frame is not explicitly described in Pech et al., nor does the Examiner explain the manner in which a fixed frame and a detachable frame form winch openings. Applicants assumes that it is the Examiner's position that the provision of recesses in Figures 2 and 3 at locations corresponding to those indicating the presence of winches in Figure 1 inherently indicates that the winches are held at the recesses via detachable frames. However, inherency requires that the claimed features must necessarily be present. MPEP § 2112. The recesses are not explicitly or inherently *necessarily* required to be associated with winch openings, but could have some other purpose such as for weight reduction. Thus there is not explicit or inherent teaching in this reference for the currently claimed feature of a fixed frame and a detachable frame which form winch openings.

Japanese '984 discloses a traveling crane in which a counterweight 8 is mounted at the rear of the rotating body. The Examiner has not identified the manner in which winch opening are formed by fixed and detachable frames in this reference. Moreover, Applicant is unable to find any description of fixed and detachable frames connected together to form

winch openings, as is now recited in Claim 1. Applicant therefore respectfully submits that the claims also define over this reference.

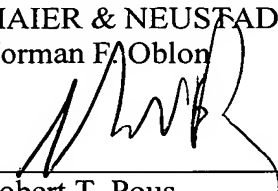
Claim 6 further recites that counterweight mounting portions are provided at the rear portions of said boom support frames. This is not taught in the cited references.

Concerning the rejection under 35 U.S.C. § 112, it is noted that the claims recite the cutouts in structural form, i.e., as "recessed cutouts." With respect to Claim 4, it is noted that this claim now recites that the winches are "mutually" disposed vertically. As for paragraph 2a, it is noted that the claims now simply recite that the winches are mounted inside rear portions of frames which support the boom; the rear frames 2g are described as rearward extensions of the boom support plates 2a (page 6, lines 7-9) and so are a part of the frames which support the boom. Applicant believes that the amended claims overcome the rejection under 35 U.S.C. § 112.

Applicant believes that the present application is in a condition for allowance and respectfully solicits an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

  
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Robert T. Pous  
Registration No. 29,099

Customer Number

**22850**

Tel: (703) 413-3000

Fax: (703) 413 -2220

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